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Held at the Palais des Nations, Geneva,
on Tuesday, 23 April 1996, at 3 p.m.

Chairman: Mr. VERGNE SABOIA (Brazil)

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The meeting was called to order at 3.35 p.m.

CONSIDERATION OF DRAFT RESOLUTIONS CONCERNING AGENDA ITEM 10 (continued)

Draft resolution E/CN.4/1996/L.78 (Human rights situation in southern Lebanon and the western Bekaa) (continued)

1. Mr. BAUTISTA (Philippines) said it was essential to ensure that the tragic events in southern Lebanon caused by the actions of Hizbullah and the Israeli armed forces were never repeated. Like the Security Council and the Movement of Non-Aligned Countries, the Philippines categorically condemned those actions and wished to see a lasting peace settlement in the region. It therefore resolutely supported all efforts capable of restoring peace and urged all parties to cooperate in the ongoing peace process. His country would make the same statement in New York at the special session of the General Assembly to be held on the situation in southern Lebanon.

2. His delegation therefore supported the draft resolution, although it would have preferred a more balanced text.

3. Mr. LAMDAN (Observer for Israel) said that his delegation had long had difficulties with the one-sided and simplistic draft resolutions adopted each year on the human rights situation in southern Lebanon and the western Bekaa. Israel had already expressed its regret for the tragic incident at Kana, but wished to point out that it was the terrorists of Hizbullah, and not Israeli soldiers, who were deliberately targeting innocent civilians. Hizbullah terrorists had also not hesitated to site themselves within a few hundred metres of a UNIFIL position. Two Fijian soldiers had already been injured in a previous incident. Israel had urged Lebanese civilians to evacuate the area for their own safety and had warned that it would return fire. It had not known of the large numbers of civilians concentrated at the UNIFIL base when it had taken action to silence the Hizbullah rocket launchers. In human terms, the outcome had been devastating, but the blame lay with Hizbullah. Indeed, it was not impossible that Hizbullah had deliberately sought that horrifying result.

4. Further blame lay with the Government of Lebanon, which had done nothing to exercise its sovereignty in the south or to discharge its international obligations by restraining Hizbullah from using its territory to attack Israel. It should also be recalled that 52 Israeli civilians had been injured since 21 April 1996 and that over 1,000 buildings had been damaged in Kiryat Shemonah alone.

5. Israel supported the diplomatic process under way to reach a lasting cease-fire, but considered that Hizbullah had to be prevented as a matter of priority from attacking Israel with rockets or by any other means. Syria and Lebanon must also accept that requirement. Israel could not be expected to put in place a unilateral cease-fire without being able to protect its own citizens. With the achievement of a cease-fire and the attainment of new understandings, Israel would be prepared to resume peace talks with Syria and Lebanon in order to find a political solution to the problem of Lebanon, but its aim was still to prevent Hizbullah from undermining the peace process. A few days earlier, a senior Hizbullah leader had told the Swedish newspaper

Expressen that his movement wanted not only an Israeli withdrawal from southern Lebanon, but also a complete evacuation of "Palestine". Israel could also not ignore the evidence of the growing involvement of Iran in supplying arms to Hizbullah with the aim of damaging the peace process.

6. Israel had already indicated that it was prepared to accept Security Council resolution 425 (1978), but only within the framework of a peace agreement that provided appropriate security arrangements, including the disarmament of Hizbullah. On 18 April 1996, with a view to moving forward on the Palestinian problem, the Prime Minister of Israel had agreed with Mr. Arafat to deepen cooperation against Hamas terrorrism, following vigorous action taken by the Palestinian Authority against the Islamic fundamentalist opposition. A committee had been set up on the implementation of the last Interim Agreement (Oslo II), including the redeployment of the Israel Defence Forces in Hebron. Lastly, the opening of talks with the Palestinians about permanent status arrangements had been set for 4 May 1996. Israel also wished to move forward on the Syrian-Lebanon problem, but it was intolerable that Syria should be treating for peace and, at the same time, supporting and probably supplying Hizbullah.

7. In short, the Middle East today was divided into two camps. The main camp supported the peace process, and in it Israel and the majority of Arab States were partners. The other camp was headed by the rejectionists (Iran, Iraq and Libya), operating through Hizbullah, Hamas and Islamic Jihad. The Commission should view the developments in southern Lebanon in that broad context and adopt resolutions that would help the peace camp and the peace process.

8. Mrs. FERRARO (United States of America) said that she profoundly deplored the casualties and destruction caused recently in southern Lebanon and Israel by the resumption of Hizbullah rocket attacks on the civilian population in northern Israel. The Commission and the international community as a whole must redouble efforts to reach a just and lasting peace in southern Lebanon, within the framework of the ongoing Middle East peace process.

9. To contribute to an immediate cease-fire, the United States Secretary of State, Mr. Warren Christopher, was currently in the region and the United Nations Security Council was seized of the question. For its part, the Commission must ensure that the resolution on the situation in southern Lebanon was balanced and properly reflected the reality, which meant that Israel should not be condemned alone. The Government of Lebanon was clearly not exercising its authority over the whole of Lebanon since that was the only country from which direct attacks were frequently being made against Israel's civilian population. The peace process called for both moderation and the willingness to eliminate sources of violence.

10. For the hopes born recently in the Middle East not to be dashed, the Commission must reject such a one-sided resolution and instead demonstrate a renewed commitment to the peace process.

11. Mr. BARKER (Australia) said that his country was horrified by the events of the previous two weeks in northern Israel and in Lebanon. Australia strongly supported the call by the Security Council for an immediate

cease-fire to avoid a recurrence of tragedies such as the one at Kana. Australia also profoundly regretted the losses suffered by the United Nations forces while carrying out their mission in southern Lebanon. It believed that a cease-fire was the essential first step towards the resumption of negotiations for a comprehensive and lasting peace in the Middle East.

12. Such a peace, however, presupposed that Israel's security was assured, that the sovereignty of Israel and Lebanon was respected and that Syria, which bore part of the responsibility for putting an end to the Hizbullah attacks against Israel, also agreed to such a settlement. The Government of Lebanon must furthermore be able to negotiate for the whole of Lebanon, within the framework of Security Council resolution 425 (1978), and give credible guarantees regarding the security of Israel's northern borders.

13. At the request of the representative of Egypt, a vote was taken by roll-call on draft resolution E/CN.4/1996/L.78.

14. Malaysia, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Australia, Austria, Bangladesh, Belarus, Benin, Bhutan, Brazil, Bulgaria, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Gabon, Germany, Guinea, Hungary, India, Indonesia, Italy, Japan, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Nepal, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Russian Federation, Sri Lanka, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, Venezuela, Zimbabwe.

Against: United States of America.

Abstaining: Cameroon, Côte d'Ivoire.

15. Draft resolution E/CN.4/1996/L.78 was adopted by 50 votes to 1, with 2 abstentions.

Draft resolution E/CN.4/1996/L.86 (Situation of human rights in Cuba)

16. Mr. MENENDEZ (United States of America) said that he was proud to introduce the draft resolution both because he was a member of the United States Congress and of the Foreign Affairs Committee of the House of Representatives of the Congress, and because he was of Cuban descent. The purpose of the draft resolution was to bring hope to the many human rights defenders and dissidents in Cuba who were awaiting action by the Commission and by the international community in general. According to Mr. Groth, the Special Rapporteur on the situation of human rights in Cuba, fundamental rights had continued to be violated in Cuba since the Commission's previous session. In the proposed text, the Government of Cuba was therefore called upon to end violations of human rights. In particular, with regard to political freedom and freedom of speech and assembly, members of organizations defending human rights in Cuba were still being persecuted. Since

mid-February, for example, more than 150 members of the Concilio Cubano (an organization described as completely peaceful by the Special Rapporteur) had been arrested, tried and sentenced to imprisonment simply for having requested permission to meet peacefully to discuss the problems of Cuba. Moreover, violations of fundamental rights attributable to the Government of Cuba were not limited to the territory of the island, since two unarmed civilian aircraft had been shot down on 24 February 1996 in disregard of all international rules and, in particular, the regulations of the International Civil Aviation Organization.

17. The situation was all the more deplorable as 1996 marked the fiftieth anniversary of an initiative by the then Government of Cuba on the rights of man and the duties of the nation which had inspired the elaboration of the Universal Declaration of Human Rights, adopted in 1948. The Government of Cuba should therefore cooperate without restriction with the Special Rapporteur of the Commission on Human Rights, permitting him the opportunity to carry out his mandate in full, in particular by allowing him to visit Cuba. The United States hoped that Cuba, as a member of the Commission, would change its policy and commit itself finally to promoting human rights.

18. Mr. MÖLLER (Secretary of the Commission) said that Denmark, Luxembourg, Romania and Sweden should be added to the list of sponsors.

19. Mr. CABALLERO-RODRIGUEZ (Cuba) said that once again the Commission was engaged in a sterile exercise involving a draft resolution that was the result of the hostile policy of the United States towards Cuba. The proposed text was a flagrant example of politicization, subjectivity and selectivity that cast doubt on the Commission's credibility. The proof was that the list of sponsors included only the United States and some of its northern allies. It would seem that the cold war was focused on a small Caribbean island whose only fault was to have gained independence and freedom by defying a powerful empire that had still not renounced its designs of conquest and oppression.

20. Who could believe in the legitimacy of the aims of a draft resolution submitted by a Government that had recently intensified the blockade it had been imposing on Cuba for more than 30 years? Any lingering doubts about the text had been dispelled by the statement of the Democratic representative from New Jersey, who was of Cuban origin: the aim of the United States was in fact to impress the New Jersey voters who would be going to the polls in November. Some years earlier, a former policeman of the Batista regime had had the same doubtful privilege and the United States had unfortunately accustomed the Commission to such subterfuge. But Cuba felt neither accused no judged. No amount of such resolutions would make it change its mind. The United States never tired of such futile repetition, but Cuba also never tired of denouncing the fallacious political exercise that prompted it.

21. Nevertheless, Cuba would continue to make progress, on the basis of the popular consensus, and to cooperate with the United Nations and all those working in a spirit of respect and equality. Cuba would never accept such a selective and discriminatory exercise, under whatever guise it was presented, or a special rapporteur who was neither neutral nor independent. Cuba would therefore vote against the draft resolution on which it requested a roll-call vote.

22. Mr. BENITO (Financial Resources Management Service) said that the one-year extension of the Special Rapporteur's mandate proposed in the draft resolution would involve expenditures of US$ 45,000 for the biennium 1996-1997. As there was sufficient provision under section 21 (Human rights) of the programme budget for the biennium, no additional appropriation would be necessary should the draft resolution be adopted.

23. Mr. BERGUÑO (Chile) said that his country had already expressed its profound concern about the situation of human rights in Cuba and therefore supported the draft resolution. The Commission had suitable mechanisms for the protection of human rights and fundamental freedoms throughout the world and was the appropriate framework for the international community to remedy, in particular, the situation of human rights in Cuba.

24. It should be emphasized, however, that previous resolutions on the situation of human rights in Cuba had not achieved their objectives and coercive measures were continuing to be applied unilaterally. The Commission should therefore both demand respect for its own resolutions and address the question from a different, less ideological and less partial standpoint and with the sole aim of protecting and promoting human rights and fundamental freedoms. As the efforts of the international community and in particular those of the Commission in certain situations were meeting with failure, a different approach should not be excluded.

25. At the request of the representative of Cuba, a vote was taken by roll-call on draft resolution E/CN.4/1996/L.86.

26. Angola, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Australia, Austria, Bulgaria, Canada, Chile, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Hungary, Italy, Japan, Madagascar, Netherlands, Nicaragua, Republic of Korea, United Kingdom of Great Britain and Northern Ireland, United States of America.

Against: China, Cuba, India, Indonesia, Zimbabwe.

Abstaining: Algeria, Angola, Bangladesh, Belarus, Benin, Bhutan, Brazil, Cameroon, Colombia, Côte d'Ivoire, Egypt, Ethiopia, Gabon, Guinea, Malawi, Malaysia, Mali, Mauritania, Mexico, Nepal, Pakistan, Peru, Philippines, Russian Federation, Sri Lanka, Uganda, Ukraine, Venezuela.

27. Draft resolution E/CN.4/1996/L.86 was adopted by 20 votes to 5, with 28 abstentions.

Draft resolution E/CN.4/1996/L.87 (Cooperation with representatives of United Nations human rights bodies)

28. Ms. HEVESI (Hungary), introducing the draft resolution, said that the text was an updated version of resolution 1995/75, which the Commission had adopted without a vote. She therefore hoped, like the other sponsors, that the draft resolution could be adopted by consensus.

29. Mr. MÖLLER (Secretary of the Commission) announced that Argentina, Canada, the Czech Republic, Denmark, El Salvador, Hungary, Ireland, Japan, Madagascar, Senegal, the United Kingdom of Great Britain and Northern Ireland and the United States of America had joined the sponsors.

30. Draft resolution E/CN.4/1996/L.87 was adopted without a vote.

Draft resolution E/CN.4/1996/L.90 (Situation of human rights in China)

31. Mr. TORELLA di ROMAGNANO (Italy), introducing the draft resolution on behalf of the sponsors, said that the draft was based on the reports of the Special Rapporteurs on the question of torture (E/CN.4/1996/35 and Add.1), on extrajudicial, summary or arbitrary executions (E/CN.4/1996/4 and Corr.1) and on religious intolerance (E/CN.4/1996/95), as well as the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1996/38). The object of the draft resolution was, in particular, to recognize certain developments in Chinese society and the efforts made by the People's Republic of China to improve the economic rights of the population, while indicating that there was nevertheless cause for concern about the persistence of violations of human rights and fundamental freedoms.

32. Mr. MÖLLER (Secretary of the Commission) announced that Iceland and Japan had joined the sponsors of the draft resolution.

33. Mr. WU Jianmin (China) said that improvements in a country's human rights situation could be measured only against the past of that country itself. In the case of China, it should be pointed out that before 1949, out of a population of nearly 500 million, 400 million had not had enough to eat, whereas today the overwhelming majority of the Chinese population, which stood at 1.2 billion, were free from hunger and cold. Average life expectancy and the literacy rate had increased spectacularly over the same period. Given the facts, any unprejudiced person would admit that the situation of human rights in China had shown considerable progress.

34. Under the pretext of caring about the human rights situation in China, a great Power, supported by some developed countries, had since 1990 been tabling draft resolutions against China that it had never managed to have adopted. Curiously, it was precisely during those past six years that the situation in China had improved enormously in many fields, particularly with regard to economic growth and human rights, including both economic, social and cultural rights and civil and political rights. The turn-out at elections, for example, was more than 93 per cent. Mr. Stapleton Roy, the former United States Ambassador to China, had described China's human rights situation in late 1993 as better than ever in more than a century. The countries which had been attacking China most ferociously over human rights

during the preceding six years were in fact those which had been guilty in the past of grave violations of human rights in China. There could be no doubt that the super-Power attacking China was really more concerned with domination or hegemony than with the human rights of the Chinese people. That great Power quite simply did not appreciate the mode of development chosen by the Chinese people.

35. There had always been two conflicting approaches to human rights, one calling for cooperation and the other based on confrontation. With the cold war now ended, one might wonder why some people were still clinging to the confrontation which had characterized that period. China had another way of seeing things. Each civilization, western and eastern, had its own historical roots and social origins, its own values and conception of human rights and there should be no question of one being considered superior to the other. Human rights were indeed universal, but the principle of universality did not mean that some countries had to accept or yield to the viewpoints of others.

36. His delegation had been pleased to note that the Commission was inclining more and more towards cooperation. If the great Power attacking China was really intent on promoting and protecting human rights, then it should abandon once and for all its confrontational approach and respond in concrete deeds to the demand of the developing countries for cooperation, dialogue and consensus. In the end, cooperation would prevail and confrontation was doomed to failure.

37. For all those reasons, and on the basis of its position of principle of not supporting draft resolutions concerning human rights situations in particular countries, his delegation moved, under rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, that the Commission take no decision on draft resolution E/CN.4/1996/L.90.

38. Mr. TORELLA di ROMAGNANO (Italy), speaking on behalf of the European Union, said it was deeply regrettable that the Chinese delegation should once again be introducing a no-action motion. Such a move was not consistent with the principles of transparency and non-selectivity that should inspire the work of the Commission. For the 15 European Union countries, it was a matter of principle: no member of the Commission should be allowed to escape criticism and to refuse the judgement of the international community. If it was accepted that the Commission could be prevented from examining violations of human rights in particular countries, its credibility would be jeopardized. Expressing concern about human rights violations could not be considered as interference in the internal affairs of a State. His delegation therefore called upon the members of the Commission to reject China's motion.

39. Mr. LEMINE (Mauritania) said that China, as a country of great culture, had over its long history developed its own institutions and its own political, economic and social system, which accounted for its wide influence and prominent role in international relations. That status could not have been achieved without the adhesion of the Chinese people, which resulted from the satisfaction of their needs and aspirations. It would therefore be just to pay a tribute to China's success in providing for the needs of a quarter of the world's population and in making impressive economic, social and cultural

progress. Considered in relation to the size of the country and at a time when socio-economic problems were fostering narrow nationalisms that threatened world security, such progress should be taken into account when examining the human rights situation in China. It was in the interest of the whole international community that China should continue to make progress along the path it had chosen. The draft resolution could not contribute to that end since it was likely to be seen by the Government of China as a condemnation that ignored the efforts it was undertaking. For those reasons, Mauritania felt that the Commission should take no action on the draft resolution.

40. Mrs. FERRARO (United States of America) said it was no secret that the fundamental freedoms of millions of Chinese had been routinely curtailed and that thousands upon thousands had paid the price for embracing the values defended by the Commission. The United States strongly objected to any suggestion that the Commission should take no action on the draft resolution. No other country, whether the United States, the Russian Federation or the Sudan, for example, tried to prevent all discussion of its human rights record. Only China sought a double standard and believed that it should be beyond the Commission's scrutiny. The no-action motion was not a North-South question but a call for self-censorship. A vote in favour of the motion would be a vote to abandon the thousands of Chinese citizens who had dared to stand up for human rights, democracy and freedom. If China did not want its human rights record to be discussed, the solution was not to muzzle the Commission but to cease committing human rights violations. Her delegation therefore urged all members of the Commission to reject China's motion.

41. Mr. FERNANDEZ PALACIO (Cuba) said that, once again, some States members of the Commission were trying to politicize the discussion to the detriment of countries of the South, using the human rights issue as an instrument of foreign policy. The sponsors of the draft resolution should instead sincerely acknowledge the considerable efforts made by a great country to offer its people a decent standard of living. China was a victim of political aggression and his delegation, representing a country of the South with which China had always shared its modest resources, supported the Chinese motion.

42. Mr. PHIRI (Malawi) said that the people of Malawi, having only recently thrown off the yoke of nearly 31 years of dictatorship, were particularly concerned about the protection of human rights. His delegation certainly had no intention of giving any lecture in human rights, but it could not but express the hope to see other countries and other peoples embrace human rights. It would be voting according to its conscience both on China's motion and on the draft resolution. However, it regretted the manner in which the issues before the Commission were being approached, for the stage appeared to be set for confrontation. His delegation hoped, therefore, that every delegation would be encouraged in the future to take decisions enabling the Commission to achieve its objectives.

43. Mr. PARREIRA (Angola) said he supported the motion that the Commission should take no decision on the draft resolution. The right to freedom of expression regarding a country's human rights situation - already fully exercised by the sponsors - and the adoption of a resolution condemning that

country were two different things. The draft resolution currently under consideration did not reflect the reality of the situation in China.

44. Mr. SZELEI (Hungary) announced that his delegation would vote against China's motion.

45. Mr. LEGAULT (Canada) said that the question of human rights in China undeniably fell within the mandate of the Commission, which would be totally discrediting itself by granting China special treatment. It was not a matter of confrontation, but of the freedom of expression of a body whose function was to consider human rights situations in all countries. His delegation was therefore against the motion that the Commission should take no decision on the draft resolution.

46. Ms. BOJKOVA (Bulgaria) agreed with that view and recalled the principle set forth in the Vienna Declaration and Programme of Action that human rights violations were of legitimate concern to the international community. Human rights situations in all countries should be considered in an impartial and objective manner.

47. Mr. GOONETILLEKE (Sri Lanka) said that he supported China's motion since the human rights situation in China had clearly improved and the Government was working to ensure the economic and social development of its people.

48. Mr. BAUM (Germany) said that the Commission had been entrusted with a unique mandate to consider human rights situations in all countries, without discrimination of any kind, and the effect of supporting the Chinese motion would be to prevent it from assuming its responsibilities. His delegation would therefore vote against the motion.

49. Mr. LEHMANN (Denmark) agreed with the previous speaker and observed that the Commission's credibility was at stake.

50. Mr. MENDOZA CARRILLO (El Salvador) said that the Commission bore the hopes of the international community in the field of human rights and could not ignore its responsibilities. His delegation was therefore against the Chinese motion.

51. Mr. SINGH (India) said that the sponsors of the draft resolution seemed to be motivated more by political considerations than by a real concern for the human rights situation in China. He would therefore support the motion tabled by the Chinese delegation.

52. Mr. HASHIM (Bangladesh) pointed out that the fourth preambular paragraph of the draft resolution recognized to the significant transformation Chinese society had undergone since the introduction of the reform policies, and in operative paragraph 3 the Commission welcomed the Chinese Government's readiness to exchange information on human rights issues. With a view to encouraging the Chinese Government to do so, he would support the motion tabled by the Chinese delegation.

53. Mr. AKRAM (Pakistan) said that he would support the motion that the Commission should take no decision on the draft resolution. Its adoption could sour relations between the great Powers and would not do justice to the positive results obtained by the Chinese Government.

54. Mr. BARKER (Australia) said that his delegation was against the Chinese motion.

55. Mr. van WULFFTEN PALTHE (Netherlands) said that in agreeing not to consider the human rights situation in China, the Commission would be failing to carry out its mandate. As a permanent member of the Security Council, furthermore, China had particular responsibilities towards the international community. The draft resolution under consideration was balanced since it denounced violations of human rights but also drew attention to the improvements observed in that field.

56. At the request of the representative of China, a vote was taken by roll-call on the motion that the Commission should take no decision on draft resolution E/CN.4/1996/L.90.

57. Benin, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Bangladesh, Belarus, Benin, Bhutan, Cameroon, China, Côte d'Ivoire, Cuba, Egypt, Ethiopia, Gabon, Guinea, India, Indonesia, Madagascar, Malaysia, Mali, Mauritania, Nepal, Pakistan, Peru, Sri Lanka, Uganda, Ukraine, Zimbabwe.

Against: Australia, Austria, Brazil, Bulgaria, Canada, Chile, Denmark, Dominican Republic, Ecuador, El Salvador, France, Germany, Hungary, Italy, Japan, Malawi, Netherlands, Nicaragua, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Colombia, Mexico, Philippines, Republic of Korea, Russian Federation, Venezuela.

58. The motion that the Commission should take no decision on draft resolution E/CN.4/1996/L.90 was carried by 27 votes to 20, with 6 abstentions.

Draft resolution E/CN.4/1996/L.75 (Situation of human rights in the Republic of Bosnia and Herzegovina, the State of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro))

59. Mrs. FERRARO (United States of America), introducing the draft resolution, said that the terrible crimes perpetrated by the Bosnian Serb forces, especially the massacre of innocent civilians in Srebrenica, could never be forgotten. However, the Dayton peace agreement had brought an end to the bloodshed and paved the way for reconciliation and reconstruction. The draft resolution must be seen in that context.

60. The United States wished to express its appreciation for the work of Mr. Mazowiecki, the former Special Rapporteur. It hoped that the new Special Rapporteur, Ms. Rehn, whose revised mandate was defined in paragraphs 44 and 45 of the draft resolution, would contribute to understanding and reconciliation among the parties. The essence of the Special Rapporteur's mandate was still to report on any human rights violations she might uncover, but she should also provide an overview of events in the countries concerned. It was expected that she would work closely with the High Representative, OSCE and the expert for the special process dealing with the problem of missing persons. The sponsors also recognized the work of the High Commissioner for Human Rights, as well as of United Nations agencies and humanitarian organizations.

61. Her country placed great hope in the International Tribunal for the prosecution of persons responsible for atrocities.

62. Concerning the issue of missing persons, the independent expert member of the Working Group on Enforced or Involuntary Disappearances, together with the special envoy of the United States Government and with ICRC, the International Tribunal, the Special Rapporteur and the office of the High Representative, had established important coordinating mechanisms. The mandate given to the independent expert in section VII of the draft resolution should contribute to resolving the heart-rending issue of missing persons.

63. Her delegation wished to thank all those who had helped to shape the draft resolution, in particular the Moroccan delegation, as Chairman of OIC, and above all the delegations of Croatia and Bosnia and Herzegovina.

64. Lastly, she wished to revise the draft resolution by deleting the third preambular paragraph; inserting the words "to their homes of origin" after the words "displaced persons" in the penultimate line of the sixteenth preambular paragraph; replacing the words "by the parties to" by "during" in the second line of operative paragraph 1; replacing the words "authorities of the Federation of Bosnia and Herzegovina and the Republika Srpska" by the words "authorities of its entities - the Federation of Bosnia and Herzegovina and the Republika Srpska -" in the second and third lines of operative paragraph 21; replacing the words "reports of" by "reported" in operative paragraph 24; and deleting the words "of the former Yugoslav Republic of Macedonia", at the end of operative paragraph 43.

65. The sponsors hoped that the draft resolution would be adopted without a vote.

66. Mr. MÖLLER (Secretary of the Commission) informed the Commission that the sponsors of the draft resolution had been joined by Albania, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Cyprus, Denmark, Finland, France, Greece, Hungary, Ireland, Italy, Luxembourg, the Netherlands, New Zealand, Norway, Poland, Portugal, the Republic of Korea, Slovenia, South Africa, Spain, Sweden, Switzerland and the United Kingdom of Great Britain and Northern Ireland.

67. Mr. MADEY (Observer for Croatia) said that while Croatia supported the implementation of the Dayton Agreement and the Basic Agreement on the Region

of Eastern Slovenia, Baranja and Western Sirmium, it found unacceptable that nothing was said in the draft resolution about the responsibility of the political and military leaders of the Federal Republic of Yugoslavia (Serbia and Montenegro) for the outbreak of the conflict and for most of the crimes committed. That was a step backwards compared with previous resolutions of the Commission and the General Assembly.

68. Attempts at "balancing" the responsibilities of the parties, in particular the statement by the Special Rapporteur that entire nations could not be held responsible for the crimes of genocide at Srebrenica and in the area of Dvor, could well be detrimental to the reconciliation process.

69. Croatia had always shown its willingness to cooperate with the international human rights bodies and to allow its society to be monitored by them. That was evidenced by the fact that the OSCE Council had decided to establish a mission in Croatia, in cooperation with the Government, to provide assistance for the protection of the rights of persons belonging to minorities and by the fact that on 19 April the Croatian Parliament had adopted the Constitutional Act on Cooperation with the International Tribunal - the first act of its kind to have been approved by any country in the territory of the former Yugoslavia - as well as by its application for admission to the Council of Europe. He therefore regretted that the overall circumstances surrounding Croatia were not always taken into account. That had, for example, led the representative of Italy, speaking on behalf of the European Union, to state on 16 April that the overall situation remained unsatisfactory.

70. He was pleased to note that the draft resolution provided for strengthening the mechanisms and the enlargement of the mandate of the special process on missing persons, which he expected to produce effective results.

71. He hoped that human rights would be respected within the framework of the peace agreement, that the countries which had emerged from the former Socialist Federal Republic of Yugoslavia would recognize one another and that the reintegration of Eastern Slovenia, Baranja and Western Sirmium would be achieved peacefully.

72. Mr. BIJEDIC (Observer for Bosnia and Herzegovina) said that he found the draft resolution acceptable but could not sponsor it because it did not point clearly to the causes of the conflict or to those most responsible for aggression and genocide. He would have liked to see more reliance placed on the democratic forces among all the peoples of Bosnia and Herzegovina with a view to speeding up reconciliation, free movement of ideas, goods and people, and the return of refugees and displaced persons.

73. In not condemning the anti-democratic forces and war criminals more strongly, there was a risk of jeopardizing full and impartial implementation of the Dayton Agreement and of accentuating the tendency towards the ethnic partition of Bosnia and Herzegovina and its dismemberment, or even confrontation in the whole Balkan region.

74. Mrs. CVETANOVSKA (Observer for the former Yugoslav Republic of Macedonia) said that the Republic should be excluded from the mandate of the Special Rapporteur on the human rights situation in the former Yugoslavia for a number of reasons. Since gaining its independence, it had in no way been involved in the conflict during which systematic human rights violations had been committed. It was a party to the International Covenants on Human Rights and therefore subject to their monitoring mechanisms. Moreover, it was now a member of the Council of Europe, which provided a satisfactory system for the promotion and protection of human rights. In that regard, it should be emphasized that her country was meeting its obligations under the international instruments to which it was a party, in particular in the field of the protection of the rights of minorities. Nevertheless, it would endeavour further to develop and promote human rights.

75. Mr. MALGUINOV (Russian Federation) said that since the signature of the Dayton Agreement and the Agreement on Eastern Slavonia, people could begin to hope that hatred would be overcome, peace restored and human rights respected. The draft resolution should therefore contribute to supporting the democratic forces and consolidating the process of reconciliation and normalization of relations among States through mutual respect of their sovereign equality and territorial integrity. Peace could be established only on the basis of such consensus.

76. While his delegation welcomed the fact that several provisions of the draft resolution looked to the future and were aimed at ensuring respect for human rights in all the States of the former Yugoslavia, it regretted that various passages were not really consistent with the actual situation, lacked precision or were one-sided since nothing was said about some human rights violations. The draft resolution did not, for example, take fully into consideration several constructive actions mentioned by the Special Rapporteur on the human rights situation in the territory of the former Yugoslavia.

77. Accordingly, his delegation requested a roll-call vote on the seventh preambular paragraph and operative paragraphs 1, 25, 26 and 27. The Russian Federation would abstain in the vote but would join consensus when the draft resolution as a whole was considered.

78. Mr. BENITO (Financial Resources Management Service) said that the cost of extending the Special Rapporteur's mandate for one year was estimated at $110,000 and should be covered by appropriations already included under section 21 of the programme budget for the biennium 1996-1997.

79. The cost of the activities of the expert for the special process on missing persons should be met by an amount of $220,000 under the same section of the programme budget. No additional resources would therefore be necessary should the draft resolution be adopted.

80. At the request of the representative of the Russian Federation, a vote was taken by roll-call on the seventh preambular paragraph and on operative paragraphs 1, 25, 26 and 27.

81. Denmark, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Australia, Austria, Bangladesh, Benin, Bhutan, Brazil, Bulgaria, Canada, Chile, Colombia, Côte d'Ivoire, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, France, Gabon, Germany, Hungary, Indonesia, Italy, Japan, Malawi, Malaysia, Mauritania, Netherlands, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela.

Against: None.

Abstaining: Angola, Belarus, Cameroon, China, Ethiopia, Guinea, India, Mexico, Nepal, Russian Federation, Sri Lanka, Zimbabwe.

82. The seventh preambular paragraph and operative paragraphs 1, 25, 26 and 27 were adopted by 38 votes to none, with 12 abstentions.

83. Draft resolution E/CN.4/1996/L.75, as orally revised, was adopted without a vote.

The meeting rose at 6.10 p.m.